

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VITALE & ASSOCIATES, LLC,

Plaintiff,

vs.

SUE LOWDEN, and; SUE LOWDEN FOR US
SENATE,

Defendants.

2:12-cv-01400-JCM-VCF

ORDER

Before the Court is counsel for Nonparty Robert Beers' Memorandum of Fees and Costs and Supporting Affidavit of Counsel. (#79). On May 2, 2014, the Court granted Mr. Beers' Motion for Fees and Costs (#77), ordering Mr. Beers to file an Affidavit detailing the costs incurred in response to Vitale & Associates, LLC's motion to compel by May 16, 2014, and permitting Vitale & Associates, LLC to file its Response to Beers' affidavit by May 27, 2014. *Id.* On May 2, 2014, the Memorandum of Fees and Costs and Supporting Affidavit of Counsel was filed. (#79). To date, no response has been filed.

Analysis

Pursuant to Local Rules 7-2(d), "[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." To date, no opposition has been filed. Vitale & Associates, LLC has consented to the granting of the instant motion under Local Rule 7-2(d).

The Court has reviewed Mr. Beers' Memorandum of Fees and Costs and Supporting Affidavit of Counsel and finds that the total attorneys' fees and costs requested is reasonable. Thus, the Court's decision and analysis as stated in the May 2, 2014 Order remains unchanged.

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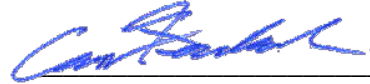
1 The following amounts are awarded:

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3	1. Time spent for the defense of the Motion to Compel	\$3,360.00
	(22.4 hours at a rate of \$150 per hour)	
4	2. Time spent on the Motion to Strike Response to	\$ 810.00
	Motion for Attorneys' Fees and Costs	
5	(5.4 hours at a rate of \$150 per hour)	
	3. Costs	\$ 36.00
6	Total	\$4,206.00

7 Accordingly,

8 IT IS HEREBY ORDERED that Nonparty Beer's is awarded \$4,206 in attorneys' fees and costs.

9 DATED this 18th day of June, 2014.



10 CAM FERENBACH
11 UNITED STATES MAGISTRATE JUDGE
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